

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-16 are pending in the present application, Claims 1-10 having been amended, and Claims 11-16 having been added. Support for the present amendments is found, for example, at page 12, lines 19-22, page 9, line 5, and page 7, lines 24-25 of the specification. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 1 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin (U.S. Patent Publication No. 2002/0025824) in view of Orler (U.S. Patent No. 7,076,256); and Claims 2-5 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Raith (U.S. Patent No. 6,856,807); and Claims 8-10 were rejected under 35 U.S.C. §103(a) as unpatentable over Lin in view of Orler, and further in view of Duvall (U.S. Patent No. 6,876,858).

Applicants thank the Examiners for the courtesy of an interview extended to Applicants' representative on February 24, 2010. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. The Examiners agreed that the amended claims appear to distinguish over the art of record. However, no agreement as to allowability was reached as the amended form of the claims required further searching. Arguments and claim amendments presented during the interview are reiterated below.

Applicants respectfully submit that amended Claim 1 patentably distinguishes over a proper combination of Lin and Orler. Amended Claim 1 recites, *inter alia*, "the communication partner equipment stores the user data together with the location information received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the user data together with the location

information to a receiver terminal.” A proper combination of Lin and Orler does not disclose or suggest at least this element of amended Claim 1.

In Claim 1, the portable communication device transmits user data and location information to a communication partner equipment over separate channels (user channel and control channel). The communication partner equipment stores the user data together with the location information. A non-limiting embodiment of the invention defined by Claim 1 allows motion picture content data (user data) to be transmitted from a portable communication device to a communication partner equipment, where it is stored with a location of the portable communication device at which the motion picture content data was recorded. The communication partner equipment can transmit the user data together with the location information to a receiver terminal.

Lin describes a mobile station 20 updating its location with a base station 30.<sup>1</sup> The base station 30 does not store the user data *together* with the location received from the mobile station 20. Furthermore, there is no indication in Lin that the base station 30 transmits voice data *together* with the location information to a receiver terminal. Thus, Lin does not disclose or suggest the claimed “the communication partner equipment stores the user data together with the location information received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the user data together with the location information to a receiver terminal.”

Orler has been considered, but does not cure the above-noted deficiencies of Lin. Orler states “[p]osition determination related information is transmitted to and from the cellular telephone using a control channel.”<sup>2</sup> The solutions offered by Orler largely pertain to the presence of a GPS receiver in the cellular telephone.<sup>3</sup> Orler does not disclose or suggest

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<sup>1</sup> See, Lin, paragraph [0051].

<sup>2</sup> Orler, col. 2, lines 47-49.

<sup>3</sup> See, Orler, col. 2, lines 52-53 and col. 4, line 64 to col. 5, line 2.

the claimed “the communication partner equipment stores the user data together with the location information received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the user data together with the location information to a receiver terminal.”

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguish over Lin and Orler. Claims 6 and 9 recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 6 and 9 (and any claims dependent thereon) patentably distinguish over Lin and Orler, for at least the reasons stated for Claim 1.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Raith and Duvall can overcome the above-noted deficiencies of Lin and Orler. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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